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## Pennsylvania Department of Environmental Protection

Lee Park, Suite 6010  
555 North Lane  
Conshohocken, PA 19428  
July 5, 1996

Southeast Regional Office

610-832-6028  
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Mr. Thomas Voltaggio  
Hazardous Waste Division Director  
US EPA Region III  
841 Chestnut Building  
Philadelphia, PA 19107

Re: Record of Decision,  
Operable Unit #2  
Revere Chemical NPL Site  
Nockamixon Township  
Bucks County  
Pennsylvania

Dear Mr. Voltaggio,

The Operable Unit #2 (OU2) Record of Decision (ROD) for the Revere Chemical NPL Site, received by this office June 27, 1995, has been reviewed by the Pennsylvania Department of Environmental Protection (the "Department").

The selected remedy for the site includes the following major components, as set forth in the ROD:

1. No further action for groundwater;
2. Annual Stream Corridor monitoring for the next seven years.

The Department hereby concurs with the US Environmental Protection Agency's ("EPA") proposed remedy with the following conditions:

- \* The Department concurrence is not to be construed as a Department determination that completion of the remedy will result in the relief from liability available under Pennsylvania's Land Recycling and Environmental Remediation Standards Act, Act 2 of 1995 ("Act 2").
- \* The EPA will give the Department the opportunity to fully participate in any negotiations with responsible parties.



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- \* The Department reserves its right and responsibility to take independent enforcement actions pursuant to state law.
- \* This concurrence with the selected remedial action is not intended to provide any assurances pursuant to CERCLA Section 104 (c) (3), 42 U.S.C. Section 9604 (c) (3).
- \* The Department will be given the opportunity to review and comment on documents, and concur with decisions related to the design and implementation of the remedial action, to assure compliance with Pennsylvania ARARs.

On page 17 of the ROD, the EPA has determined that Pennsylvania's Land Recycling and Environmental Remediation Standards Act, 35 P.S. Section 6026.101 et seq., "Act 2", is not an ARAR for this site. The EPA continues not to recognize Act 2 as an ARAR for purposes of CERCLA Section 121(d)(2). The Department does not concur with the EPA's decision regarding Act 2 as an ARAR and is taking this opportunity to reassert that Act 2 is an ARAR. The Department notes that the remedy proposed in the ROD does comply with Act 2 standards.

In addition, Section 121(d) of CERCLA specifies that remedial actions selected (under CERCLA Sections 104 or 106) shall attain a degree of cleanup at a minimum which assures protection of human health and the environment, and which at completion will comply with ARARs. Further, Section 300.430(f) of the NCP states that: "overall protection of human health and the environment and compliance with ARARs are threshold requirements that each alternative [remedy considered] must meet in order to be eligible for selection." Although the EPA concludes the no action remedy for OU2 at the Revere Chemical NPL site is protective of human health and the environment, the EPA has failed to analyze the no action remedy for compliance with ARARs. The Department does not agree with the EPA's position that no action alternatives need not comply with statutory and regulatory requirements for selection of a remedy under CERCLA Section 121(d). Consequently, the Department does not concur with the ROD's analysis indicating that the remedy selection criteria are not applicable to a no action alternative.

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This letter documents the Department's position with regard to the EPA's chosen remedy for the Revere Chemical NPL Site and requests that it be made part of the Administrative Record for the Revere Chemical NPL Site. Should you have any questions regarding the matter of this letter, please feel free to contact me at this office.

Sincerely,



Carol R. Collier  
Regional Director  
Southeast Regional Office

cc: File  
Mr. Becker  
Mr. Beitler  
Mr. Danyliw  
Mr. Zang  
Mr. Miller  
Ms. Brems  
Ms. Murphy  
Mr. Hartzell  
Ms. Tremont  
Re 30 (KAL)185.25